IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.44253 of 2008
PRADEEP KUMAR SINGH,
Son of Kamleshwari Singh, Resident of Village- Pakra,
Police Station- Naugachia, District- Bhagalpur :---- Petitioner.
Versus
STATE OF BIHAR:-------Opposite Party

For the Petitioner :Mr. Amrendra Kumar, Advocate.
For the Opposite Party : Mr. Nitya Nand Tiwari, A.P.P.

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3. 19.11.2008. Counsel for the petitioner has filed supplementary affidavit, which is taken on record.

Heard learned counsel for the petitioner and the State.

Petitioner is an accused in a case under Section 364A and other allied Sections of the Penal Code and was admitted to the privilege of bail by this Court under orders dated 11.06.2008 passed in Cr. Misc. No. 18747 of 2008, Annexure-1 but could not be released as the submissions on the basis of which the said order was passed was found to be incorrect. Now, it is submitted that petitioner has been implicated in this case on the basis of the statement of the witness Pankaj Kumar, who recorded his statement in paragraph 96 of the case diary but thereafter he was examined under Section 164 Cr.P.C. and in the statement recorded under Section 164 Cr.P.C. petitioner has not been named and besides the statement of Pankaj Kumar no witness has named the petitioner in the case diary.

Let the aforesaid facts be verified by the court below and if it is true that petitioner has been implicated in this case at the instance of Pankaj Kumar in his statement recorded under Section 161 Cr.P.C. but the same statement has not been corroborated in the statement recorded under Section 164 Cr.P.C. then the petitioner, namely,

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Pradeep Kumar Singh be released on bail on furnishing bail bond of Rs. 5000/- (Five thousand) with two sureties of the like amount each to the satisfaction of Additional District and Sessions Judge, 1st, Banka in connection with Rajaun P.S.Case No. 229 of 2007, corresponding to Sessions Case No. 339 of 2008.

(V.N.Sinha,J.)

P.K.P.

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